

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 360 final

Brussels, 26th June 1980

PROPOSAL FOR A COUNCIL DIRECTIVE
CONCERNING THE ENFORCEMENT, IN RESPECT OF SHIPPING USING
COMMUNITY PORTS, OF INTERNATIONAL STANDARDS
FOR SHIPPING SAFETY AND POLLUTION PREVENTION

(presented by the Commission to the Council)

COM(80) 360 final

Proposal for a Council Directive concerning the enforcement, in respect
of shipping using Community ports, of international standards
for shipping safety and pollution prevention

Explanatory Memorandum

Since the "Amoco Cadiz" accident in March 1978 there has been increased concern in the Community about shipping casualties and about pollution of the seas and coastlines of the Member States by oil coming from ships. The European Council has several times expressed concern about the situation and has declared that the Community has a part to play in the search for greater shipping safety and the reduction of pollution from ships ; and the Council of Ministers has adopted a number of items of Community legislation in this area.

2. In the Commission's view, one of the areas where the Community can make a particularly valuable contribution is that of the enforcement of shipping standards. Standards for the construction, equipment and crewing of ships, designed to promote safety and prevent pollution, are set on a worldwide basis mainly by the Inter-Governmental Maritime Consultative Organisation (IMCO), a specialised agency of the United Nations. IMCO drafts and adopts Conventions setting out the standards to be met by shipping. But IMCO is not itself an enforcement agency. The Conventions which it adopts have to be brought into force ; and they then have to be enforced.

3. As regards the entry into force of the Conventions, the Council of Ministers adopted in 1978 two Recommendations (1), which recommend the Member States to ratify by specified dates all the main IMCO Conventions as well as a key Convention of the International Labour Organisation. Timely ratifications by the Member States can indeed make an important contribution to getting the Conventions into force, since the condition for entry into force is that they should have been ratified by a specified number of countries responsible for a specified proportion of world tonnage ; the Member States together make a significant contribution on both counts.

4. Once the Conventions are in force, they then have to be enforced, that is, the standards they set have to be actually applied in relation to the world's shipping. It is the task of states to ensure, by supervision, control and the application of sanctions, that the standards are correctly applied. The primary responsibility here falls to flag states, that is, to states which have shipping under their flags. But loss and accident records for shipping suggest that some countries do not find it easy to ensure that all their shipping is kept up to standard.

(1) Council Recommendations Nos 78/584/EEC of 26 June 1978 (O.J.No. L 194/17 of 19.9.78) and 79/114/EEC of 21 December 1978 (O.J. No. L 33/31 of 8.2.79).

5. However, the Conventions also give a rôle in enforcement to port states, that is, to countries whose ports are visited by ships. Port states are entitled to ensure, by following procedures laid down in the Conventions, that shipping visiting their ports meets the standards set by the Conventions. It is here that ^{the} Community and its Member States can make a particularly important contribution to shipping safety and pollution prevention; and it is the purpose of the present proposed Directive to set a Community framework for the enforcement activity of the Member States as port states. Because of its rôle as a major trading power, all the world's shipping calls at Community ports. This exposes our coasts, more than most, to polluting accidents; but at the same time it enables the Member States to make a major contribution to shipping safety and pollution prevention by requiring this shipping to conform to the internationally approved standards.

6. The proposed Directive would essentially establish a framework of procedures within which the Member States would identify sub-standard ships visiting their ports and require them to put themselves in order before leaving the Community. 'Sub-standard' here means not meeting the standards set by the international Conventions in force at any given time.

7. The detailed content of the proposal will be described later in this Memorandum. At this stage the Commission would make the following more general points about its proposal and the justification for it :

a) the current situation as regards shipping safety and pollution prevention is not satisfactory. The loss record for shipping was worse in 1978 and 1979 than in previous years; in particular, a substantial number of large tankers were lost;

b) the present proposal would establish uniform enforcement procedures throughout the Community, and thus have the valuable effect of removing any danger of transfers of traffic from those Member States where enforcement was more vigorous to those where it was less so;

c) the Community's adoption of the present proposal would not be an example of unilateralism in shipping safety and pollution prevention legislation, which Member State shipowners would rightly view with concern. In the Commission's view, what is required is not so much new, tougher standards as the adequate enforcement of the international standards which exist already. The procedures which would be adopted under the Directive are already

permissible under the international Conventions; port states are already entitled to identify sub-standard ships of any flag and require them to put themselves in order; the Directive would, however, for the first time require the Member States to do this;

d) the action proposed should not only be in the interests of shipping safety and of preventing pollution from ships; it could also, to the extent that it discouraged the operation of sub-standard ships, make a contribution to reducing the current imbalance between shipping supply and demand; provide of some assistance to the Community's shipbuilding and ship-repairing industries; and help to foster improved working conditions for ships' crews;

e) vigorous port state enforcement by the authorities of the United States in recent years has, it seems, tended to raise the standard of shipping using U.S. ports. The Community should be inspired by this example; indeed, it needs to take parallel action in order to prevent the sub-standard shipping displaced from United States trades from visiting its own ports;

f) many ships visit the ports of several Member States in the course of a single voyage. Advantage should be taken of the possibilities which this offers of co-operation between Member States in the enforcement of the international standards for shipping safety and pollution prevention;

g) the Commission regards the present proposal as a necessary development of the agreement on port state enforcement signed in The Hague in March 1978 by the maritime administrations of Norway, Sweden and six Member States (Belgium, Denmark, the Federal German Republic, France, The Netherlands and the United Kingdom). This agreement, known as the North Sea Agreement, provides for a coordinated approach to port state enforcement in the countries concerned, on the basis of their existing law, and its implementation has shown the psychological and practical value of the approach and detailed procedures adopted. However, the Commission believes that the time has come to move forward to a system of procedures at Community level which would: cover the whole Community, including future Member States, thus adding Ireland, Italy, Greece, Portugal and Spain to the countries involved; require a specific quantum of activity by the Member States (essentially, the identification and inspection of all sub-standard ships using their ports and the remedying of deficiencies); and cover the requirements of the anti-pollution Conventions as well as the shipping safety Conventions. However, one important advantage of the North Sea Agreement is that the

maritime administrations of Norway and Sweden participate in it; the Commission therefore believes that it would be most advantageous if Norway and Sweden and perhaps some other European countries could adopt equivalent port state enforcement procedures to those provided for in the present proposal. The proposed Directive provides for the Council to authorise the Commission to negotiate suitable arrangements to this end.

Comments on certain Articles of the proposed Directive

Article 2

8. The Directive relates to the enforcement of the provisions of the main international Conventions on shipping safety and pollution prevention by the Member States as port states, in relation to shipping visiting their ports. For each Member State, the shipping in question is that flying the flag of all other states, including all other Member States, to the extent that it is shipping to which one or more of the "relevant Conventions" applies. Thus the Directive will not apply to all third-flag shipping entering the port of a Member State, and many of the ships to which it applies may be subject to only some of the relevant Conventions. Moreover, control by each Member State, as flag state, of the shipping flying its own flag is not the subject of the Directive.

9. The Conventions to be enforced by the Member States in relation to shipping using their ports are in principle the main shipping safety and pollution prevention Conventions which are in force at any given time. At the present time these are the four IMCO instruments mentioned at the beginning of paragraph b) of this Article. The International Convention for the Safety of Life at Sea, 1960, the predecessor of the 1974 Convention of the same name, is not listed, since the 1974 Convention is now in force and may be said to replace it.

10. The Article also provides for the other main IMCO Conventions, together with the International Labour Organisation Convention concerning Minimum Standards on Merchant Ships, to be enforced in Member State ports as and when they enter into force. This gives Member States a strong incentive to ratify these Conventions before they enter into force.

11. Article 2 goes on to provide procedures for deciding whether Conventions amended in the future should continue to be regarded as "relevant Conventions", and whether future international instruments in this field should also be so regarded. It also addresses the situation - which has not yet arisen - where the Community decides to apply in advance to shipping using its ports certain provisions of Conventions which have not yet come into force. This would depend on a separate decision by the Council.

12. The Commission underlines that the purpose of the proposal is to harmonise and ensure the effective application of control procedures by the Member States. It considers accordingly that a distinction may properly be drawn between the procedures laid down by the proposal and the substantive provisions of the Conventions to be applied. The precise content of these substantive provisions is of less importance for the purposes of the Directive than their effective and harmonised application. The proposal therefore provides for the control procedures to apply not only in respect of the Conventions already in force, but also to Conventions yet to enter into force, and to modifications of Conventions. In this light the Commission is not disposed to regard modifications of the substantive provisions of the Conventions referred to in the proposal as a matter which would affect the proposal.

Article 3

13. This Article provides that shipping to which one or more of the relevant Conventions would have applied if its country of registry had ratified the Convention shall not be treated more favourably because of the absence of ratification. This provision would apply where, for instance, a country had not ratified a particular Convention at all, or had ratified the earlier Convention in a particular field but not the successor Convention. The principle reflected in this Article is found in a number of the Conventions themselves, including the International Convention for the Prevention of Pollution from Ships, 1973; the ILO Convention No. 147; and the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974.

Article 4

14. A number of renewable certificates are issued to ships by their countries of registry to certify that the ships meet the provisions of the international Conventions as regards, for example, their construction and their equipment. In addition, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, not yet in force, provides for internationally - recognised certificates for the members of the crew. The authorities of port states are entitled to examine these certificates and, if any of them have expired or are invalid or if they have clear grounds for believing that the condition of the ship does not correspond substantially with the certificates, to inspect the ship itself.

15. The purpose of this Article is to maximise the effectiveness of this process of inspection of certificates. It may be that, ideally, the certificates of all incoming ships should be examined. However, while some Member States achieve this - and this Article would allow them to go on doing so - many Member States would not find this possible. The Article therefore provides for the ship itself to lodge with the authorities a declaration about the certificates kept under the Conventions, together with certain other relevant documents. Special provision is made in paragraph 2 of the Article for the case of ships (e.g. ferries) which repeatedly and frequently visit the same port, and for ships calling at several ports of a single Member State in the course of a single voyage.

16. Paragraph 3 of the Article requires the appropriate authorities of the Member States to examine the certificates and certain other documents themselves on board the ship to the extent that this is necessary in the interests of shipping safety and pollution prevention. The interest of doing this is not only that of inspecting the certificates themselves, but also that the inspectors concerned may note apparent deficiencies in the ship's equipment, etc. which would justify inspection of the ship under Article 6 of the Directive.

17. Paragraph 4 of the Article provides for Member States to pay particular attention to categories of shipping careful supervision of which has been shown to be particularly important in the interests of fostering safety and preventing pollution.

Article 5

18. Paragraph 1 of this Article extends to all shipping covered by the Directive a duty already laid on tankers of 1,600 g.r.t. and above by Council Directive No. 79/116/EEC of 21 December 1978.

19. Paragraph 2 of the Article similarly extends to all shipping covered by the present Directive a duty to report laid on pilots by the same Directive of 21 December 1978 as regards tankers of 1,600 g.r.t. and above.

Article 6

20. The Conventions generally empower port states to inspect ships using their ports if they find that a ship's certificates are missing or expired, or if they have "clear grounds" for believing that the condition of the ship or of its equipment does not correspond substantially with the particulars of a certificate. This Article would require Member States to follow up by inspection all cases in which they have determined "clear grounds" to be present. Paragraph 2 of the Article refers to an annexed list of examples of conditions or circumstances constituting "clear grounds"; the purpose of these examples is to assist all the Member States to approach this matter in substantially the same way, thus preventing undesirable distortions from arising. Provision is made for the annexed list to be amended from time to time to reflect changes in international shipping safety and pollution prevention standards.

Article 7

21. This Article requires the Member States to deal as provided for in the Conventions with deficiencies, in relation to the requirements of the Conventions, which have been confirmed or revealed by any inspection carried out under Article 6 of the Directive. This involves, basically, requiring the deficiency to be remedied, detaining the ship if necessary until this has been done. Paragraph 2 of the Article gives examples of conditions justifying detention; the reason for giving examples is, as in the case of Article 6 (2) and Annex 2, to ensure that all Member States adopt substantially similar criteria in deciding whether a ship must be detained.

Article 8

22. Paragraph 1 The Commission believes that the Member States would be greatly assisted in carrying out port state enforcement if their authorities had access to more information about the ships visiting their ports. The information in question could include, for example, basic information about the ship (tonnage, age, etc), together with information about certificates held and about any inspections which have been carried out on previous visits to any Member State. The information might be held on a computer which Member State authorities would be able to consult in respect of any ship due to arrive in one of their ports. The Commission intends to study with Member State experts the ways and means of establishing a shipping information system along these lines; it will then make a specific proposal to the Council on the matter. In the meantime, the

Commission is sending the Council a proposal concerning the establishment of a tanker information system.

23. Paragraphs 2, 3 and 4 of this Article institute procedures for use pending the establishment of a shipping information system. These procedures provide for a certificate to be issued to a ship which a Member State has inspected under this Directive, for a copy of the certificate to be sent to the flag state and the owner where the inspection revealed a deficiency, and for the information in the certificate to be forwarded by telex to other Member States which the ship is expected to visit in cases where deficiencies have not been fully rectified before departure of the ship.

Article 9

24. Paragraph 1 of this Article requires a fee to be levied on the owner of a ship on which deficiencies justifying detention have been noted. For any given Member State, the total of the fees collected should cover the total costs of the inspections in any normal accounting period. The purpose of this provision is to relieve the taxpayers of a Member State of the cost of the time devoted by its inspection service to causing deficiencies in other nations' ships to be remedied.

25. Paragraph 2 of this Article requires the penalties provided for in the Member States' national legislation for violations of the provisions of the relevant Conventions to be severe enough to discourage violations. This is important in an area where it is clear that ship operators can obtain considerable financial advantage, in the short term at least, through sub-standard operations.

Article 10

26. Paragraph 2 of this Article requires the Member States to keep under continuous review the scope for making more use of the four classification societies established in the Community and members of the European Association of Classification Societies, in order to increase the resources available for port state enforcement. The intention is that experts from the societies should act as agents of the Member States in carrying out tasks falling to these both as flag states, in relation to their own shipping, and as port states under this Directive. Arrangements of this kind should allow a greater quantum of resources to be devoted to port state enforcement in the Community.

Article 11

27. This Article envisages negotiations between the Community and other European coastal states - in particular Norway and Sweden, whose maritime administrations participate in the North Sea Agreement mentioned above, but perhaps also some other European countries - aimed at their adopting equivalent port state enforcement procedures, so as to extend as widely as possible the region within which these procedures would be applied.

Proposal for a Council Directive concerning the
enforcement, in respect of shipping using Community ports,
of international standards for shipping safety and pollution prevention

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 84 (2) thereof,

Having regard to the proposal submitted by the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the Community is seriously concerned about shipping casualties and
pollution of the seas and coastlines of the Member States, in particular
by oil coming from ships ;

Whereas the European Council, at its meetings on 7 and 8 April 1978 in
Copenhagen and 6 and 7 July 1978 in Bremen, declared that the Community
should make the prevention and combating of marine pollution, particularly
from hydrocarbons, a major objective, and deemed it necessary to take further
measures to increase the safety of maritime traffic ;

Whereas the Community can make a particularly useful contribution in securing
a common approach to the effective enforcement of the international shipping
safety and pollution prevention standards by the Member States in respect of
shipping using their ports, thereby also avoiding distortions of competition;

Whereas for this purpose the Member States should identify sub-standard
shipping using their ports, inspect it and require deficiencies to be
remedied ;

Whereas the resources devoted to port state enforcement in the Community
should be increased to an appropriate level ;

Whereas the procedures provided for in this Directive should be adopted as
widely as possible in Europe;

HAS ADOPTED THIS DIRECTIVE :

Article 1

This Directive requires the Member States to provide for the identification and inspection of sub-standard ships visiting their ports and the remedying of deficiencies.

Article 2

1. For the purposes of this Directive :

a) "Ship" means a ship to which one or more of the relevant Conventions applies and which is registered in a state other than the Member State whose port it is visiting ;

b) The "relevant Conventions" are :

International Convention for the Safety of Life at Sea, 1974

International Convention on Load Lines, 1966

International Convention for the Prevention of Pollution of the Sea by Oil, 1954 including the amendments adopted in 1962 and in 1969

Convention on the International Regulations for Preventing Collisions at Sea, 1972.

As soon as any of the following instruments enters into force, it shall be deemed to be a relevant Convention :

Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974

International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating to that Convention

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

Convention No. 147 concerning Minimum Standards on Merchant Ships, adopted by the International Labour Conference in 1976.

2. When any amendment to one of the above instruments enters into force, the instrument as so amended shall be deemed to be the relevant Convention for the purposes of this Directive, unless the Council decides otherwise on a proposal from the Commission.
3. The Council may decide, on a proposal from the Commission, that part or all of any of the four instruments last mentioned in paragraph 1 of this Article shall be deemed to be a relevant Convention for the purposes of this Directive before the instrument has entered into force.
4. The Council shall decide, on a proposal from the Commission, whether any future international instrument concerning shipping safety or pollution prevention shall be deemed to be a relevant Convention for the purposes of this Directive.

Article 3

A ship to which a relevant Convention would have applied if its country of registry were a Contracting Party shall not be treated more favourably as regards the matters to which this Directive applies.

Article 4

1. Subject to paragraph 2 of this Article, and without prejudice to the requirements of Council Directive No. 79/116/EEC of 21 December 1978, as amended by Council Directive No. 79/1034/EEC of 6 December 1979, as regards the tanker check-list, Member States shall take the necessary steps to ensure that ships lodge with the appropriate authorities on each visit to one of their ports a declaration, as reproduced at Annex 1 to this Directive, giving information about the nature and, where applicable, the expiry dates of the ship's and crew's certificates, certain other documents issued or kept under the terms of the relevant Conventions, and any certificate issued under Article 8 (2) of this Directive.

.../...

2. Where a ship

- a) frequently visits the same port of a Member State ; or
- b) visits more than one port of a particular Member State in the course of a single voyage,

the Member State may arrange, in case a), for the declaration to be made at appropriate intervals and, in case b), for the declaration to be made only at the first port visited.

3. The documents referred to in paragraph 1 of this Article shall be examined by the appropriate authorities on board the ship to the extent that this is necessary in the interests of shipping safety and pollution prevention.

4. Member State authorities shall pay special attention to the following categories of ship :

- a) passenger ships ;
- b) oil, gas and chemical tankers and, among these, in particular to tankers 10 years old or above ;
- c) dry cargo ships 15 years old or above and, among these, in particular to smaller ships.

Article 5

The following requirements of Council Directive No. 79/116/EEC in relation to certain tankers are hereby extended to the other ships to which the present Directive applies :

.../...

- a) the requirement in Article 1 (1) (B) (i) of Council Directive No. 79/116/EEC that Member States shall take the necessary steps to ensure that certain tankers entering or leaving the seaports of their territory shall, while traversing the territorial waters adjacent to the port of entry or departure, inform the competent authorities of the Member State of any deficiencies or incidents which may decrease the normal safe manoeuvrability of the vessel, affect the safety and easy flow of traffic or constitute a hazard to the marine environment and adjacent areas ;
- b) the requirement in Article 1 (2) of Council Directive No. 79/116/EEC that Member States shall take the necessary steps to ensure that where a pilot learns that there are any deficiencies which may prejudice the safe navigation of the vessel, he shall report these immediately to the competent authority of the Member State concerned.

Article 6

1. Whenever the appropriate authorities of a Member State find that the ship's or crew's certificates are missing or invalid, or have clear grounds for believing that the condition of the ship or of its equipment or the crewing arrangements do not correspond substantially with the particulars of a certificate or the requirements of a relevant Convention, they shall inspect the ship or examine the crewing and watch-keeping arrangements, as the case may be.
2. Examples of "clear grounds" as referred to in paragraph 1 of this Article are listed at Annex 2 to this Directive. This list may be amended from time to time by the Commission, after consulting the Member States, in order to take account of changes in international shipping safety and pollution prevention standards.
3. A Member State requested by another Member State to make an investigation relating to a violation or suspected violation of the provisions of a relevant Convention shall comply with the request.

Article 7

1. Whenever the inspection or examination referred to in Article 6 of this Directive confirms or reveals deficiencies in relation to the requirements of a relevant Convention, the matter shall be followed up and dealt with in accordance with the provisions of the Conventions, including in particular the provisions relating to detention until the deficiencies have been remedied or until the responsible authorities of the Member State have determined that the ship can, subject to any necessary conditions, proceed to sea without risk to the safety and health of passengers or crew or risk to other shipping and without threatening harm to the marine environment.
2. The following are examples of deficiencies which, singly or together, may justify detaining a ship :
 - a) deficient life-saving appliances ;
 - b) deficient fire-fighting equipment ;
 - c) deficient nautical equipment ;
 - d) deficient boarding equipment ;
 - e) overloading ;
 - f) crew too small or insufficiently qualified.

Article 8

1. The Council shall decide, on a proposal from the Commission, on the establishment in the Community of a shipping information system designed to supply the Member States, in respect of ships approaching their ports, with up-to-date information relevant to shipping safety and pollution prevention. Pending the establishment of this system the procedures in paragraphs 2 and 3 of this Article shall apply.

2. Where an inspection has taken place in accordance with Articles 6 and 7 of this Directive, the authorities of the Member State concerned shall, before the ship leaves port, deliver to the ship's master, for retention on board, a certificate certifying that, as the case may be,
- a) no deficiencies were found ;
 - b) specified deficiencies were found and rectified ;
 - c) specified deficiencies were found but not or not fully rectified.

In case c) the certificate shall state the conditions on which the ship was allowed to leave port.

3. In cases b) and c), a copy of the certificate shall be forwarded to the owner and the flag state concerned. In case c) the information contained in the certificate shall be forwarded by telex to all other Member States which the ship is expected to visit.
4. The Commission shall establish, after consultation with the Member States, a model for the certificate referred to in paragraph 2.

Article 9

1. Member States shall levy a fee on the owner or operator of a ship which has been inspected in accordance with this Directive and on which deficiencies justifying detention have been found. The total of fees levied shall cover the total costs of the inspections in any normal accounting period.
2. The penalties specified under the law of a Member State for violations of the provisions of the relevant Conventions shall be adequate in severity to discourage violations thereof.

Article 10

1. The Member States shall adopt, after consulting the Commission and before [1 January 1982], the laws, regulations and administrative provisions necessary to implement this Directive. They shall inform the Commission and the other Member States of the measures taken.

2. In implementing this Directive the Member States shall regularly examine to what extent, in order to assist them to achieve its objectives, arrangements could be made with classification societies established in the Community and members of the European Association of Classification Societies, under which the societies or their staff would:

- undertake port state enforcement work as agents of the Member State concerned ; or
- act on behalf of the Member State as flag state in order to release Government inspectors for port state enforcement work.

3. Member States shall assist one another in all possible ways in applying the provisions which they adopt for the implementation of this Directive. They shall regularly review together with the Commission the functioning of these provisions, and for this purpose they shall supply to the Commission returns on their enforcement activity in a form and at intervals to be defined by the Commission after consultation with them.

Article 11

The Council shall, on a proposal from the Commission, authorise the latter to open negotiations with non-Member States in Europe with a view to their adopting equivalent port state enforcement procedures.

Article 12

This Directive is addressed to the Member States.

Done at

For the Council
The President

Declaration referred to in Article 4 (1) of the DirectiveDeclaration on Certificates and other DocumentsA. Vessel identification

Name of vessel	Owner/operator Agent	Year built	Place of berthing
Flag	Call sign	Gross tonnage	Date of berthing
Port of registry	Length overall		
Kind of ship			
Classification society			
Class notation	Hull	Machinery	
Propulsion machinery	Output		
Draught : forward	amidships	aft	
Kind of cargo			

B. Safety certificates and other documents
Certificates/documents
valid on board
Date of expiry

Cargo ship safety construction certificate	yes <input type="checkbox"/>	no <input type="checkbox"/>
Cargo ship safety equipment certificate	<input type="checkbox"/>	<input type="checkbox"/>
Cargo ship safety radiotelegraphy certificate	<input type="checkbox"/>	<input type="checkbox"/>
Cargo ship safety radiotelephony certificate	<input type="checkbox"/>	<input type="checkbox"/>
Load line certificate	<input type="checkbox"/>	<input type="checkbox"/>
Classification certificate	<input type="checkbox"/>	<input type="checkbox"/>
Oil liability certificate	<input type="checkbox"/>	<input type="checkbox"/>
Oil record book filled in	<input type="checkbox"/>	<input type="checkbox"/>
Nautical publications (up-to-date charts, notices to mariners etc) are on board for the intended voyage ?	<input type="checkbox"/>	<input type="checkbox"/>
Certificate issued under Article 8 (2) of Directive present on board ?	<input type="checkbox"/>	<input type="checkbox"/>
If yes, does certificate refer to deficiencies ?	<input type="checkbox"/>	<input type="checkbox"/>

C. Officers and ratings

Yes

No

**Certificate of competency
(detailed description and serial
number)
Name, place, country of issuing
authority (1)**

Master

☐
☐

Chief mate

☐
☐

Second mate

☐
☐

Third mate

☐
☐

Chief engineer

☐
☐

First engineer officer

☐
☐

Second engineer officer

☐
☐

Third engineer officer

☐
☐

Radio officer

☐
☐

Total number of ratings

Deck

Engine room

Deep-sea pilot taken aboard

☐
☐

Date

**Signature of the master or, if he is
indisposed, of the deputy**

(1) Member States may decide to exclude from the declaration the part of section C relating to certificates of competency.

The following are examples of "clear grounds" as referred to in paragraph 1 of Article 6 of the Directive :

- a) a report or complaint by the master, the pilot or any other person with a legitimate interest in the safe operation of the ship or the prevention of pollution by the ship, unless the responsible authorities have good reason to believe that the report or complaint is frivolous or malicious ;
- b) clear indications that
 - i) one or more of the conditions mentioned in Article 7 (2) is present;
 - ii) the ship is not in a seaworthy condition for its intended voyage ;
 - iii) the ship's capacity to manoeuvre is impaired ;
 - iv) dangerous cargo is being carried without the required safety provisions;
 - v) there are significant inaccuracies or omissions in the declaration referred to in Article 4 (1) of this Directive or in the tanker check-list provided for in Council Directive No. 79/116/EEC, as amended by Council Directive No. 79/1034/EEC;
 - vi) the Oil Record Book has not been properly kept;
 - vii) the ship has improperly discharged harmful substances or effluents.
- c) the ship has been permitted to sail with deficiencies not or not fully rectified (Article 8(2), case c)).